

## From Law and Order to Class Warfare: Baldwin-Felts Detectives in the Southern West Virginia Coal Fields

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**T**HE Baldwin-Felts Detectives agency played an important, much publicized role in the early history of the southern West Virginia coal industry. The agency, somewhat as the company town, served purposes both constructive and malevolent. On the one hand, it functioned as a civilizing or at least stabilizing force in the absence of adequate public law enforcement, and on the other, it carried out policies of brutal repression which helped to incite some of the nation's most violent industrial conflicts.

This article will describe the development of the Baldwin-Felts agency, the nature of its services to coal operators, its role in the West Virginia mine wars, and the causes of its eventual decline and disappearance in the 1930s.

William G. Baldwin and Thomas L. Felts established their business in the early 1890s as a partnership, subsequently incorporated as Baldwin-Felts Detectives. Their Virginia corporation charter authorized "a general detective agency representing to do civil and criminal work, or legitimate investigation for firms, corporations, industrial enterprises or individuals." Baldwin and Felts each subscribed to fifty per cent of the initial \$25,000 capital stock. The general office was located in Roanoke, Virginia, but within a few years a second headquarters, headed by Felts, occupied the entire fourth floor of an office building in Bluefield, West Virginia.<sup>1</sup> Field offices were also established on the floor of the New River Gorge in Thurmond, West Virginia; in Richmond, Virginia; and in Denver, Colorado. A 1912 letterhead disclosed affiliations with the International Association of Chiefs of Police, and the International Association of Railway Special Agents and Police. It claimed that no divorce cases were taken, nor were commissions or badges

<sup>1</sup> Personal interview with W. F. Tamm, Jr., Tamm, West Virginia, June 9, 1966; MS of a study entitled "Parliamentary Report on Violence," prepared by John Ward for the Bureau of Labor Statistics in 1917, 120. General Records of the Department of Labor, Bureau of Labor Statistics, Howard B. Lee, *Blindness in Appalachia*, (Martinsburg, W. Va., 1966), 126.

sold. It listed Baldwin-Felts Detectives, Inc. as special agents for several railroads, including the Norfolk & Western, the Chesapeake & Ohio, the Carolina, Clinchfield & Ohio, and the R. F. & P.<sup>2</sup>

The railroads were first to contract with Baldwin and Felts for a supply of guards to keep order on the trains and to prevent theft from freight cars. Howard B. Lee, a former attorney general of the State of West Virginia, has written of the frequent robbery by mountaineers of railroad shipments which plagued the Norfolk and Western, especially along the Tug Fork on the Kentucky-West Virginia border. "After the Baldwin-Felts men had killed a few such thieves and sent a number to prison," he noted with understatement, "the practice ended."<sup>3</sup> In West Virginia private railroad guards were clothed with considerable authority by a law of 1890 which permitted the governor to appoint them as public law officers.<sup>4</sup>

From railroad protection it was natural for Baldwin and Felts to extend their services to the rapidly expanding coal industry whose mines were served by the new railroads in southern West Virginia. These mines were actually self-sufficient company-owned "camps" which housed miners and their dependents and offered, in addition to a place of employment, most of the necessities of life. There were dozens of primitive frame cottages in tightly packed rows, the company store which sold general goods and housed a mail room, a church provided by the company, often a school whose teacher was paid in part by the company, a physician who was supported by flat fees deducted from the miner's monthly pay, and sometimes a community center which provided a place for simple recreation.

Visible police protection was a vital requirement in these isolated mining communities, many of which were linked to the outside only by rail. If there was a road, it was usually impractical for travel. Most of the camps were squeezed into narrow bottoms hemmed on two sides by precipitous mountains. The social milieu was potentially explosive. Several hundred people of diverse backgrounds were forced into a neighborly relationship under difficult circumstances. Southern Negro farmers were recruited to

<sup>2</sup> Thomas L. Felts to Justice Collins, April 14, 1912. Justice Collins Papers, West Virginia University Library.

<sup>3</sup> Lee, *Broadening*, 190.

<sup>4</sup> *Acts of the Legislature of West Virginia*, chpt. 55, 173-75, 1890.

join native Appalachian whites for most of whom mining coal was a new experience. From abroad came southern and eastern European recruits, usually poor peasants ignorant of both coal mining and the English language. The work force was constantly in flux. Criminals and hustlers often drifted through. Coal operators rarely inquired into a recruit's background because of the chronic shortage of willing mine labor in the early twentieth century. Given these conditions plus the most hazardous of industrial occupations as a daily fact of life, it is not surprising that the residents were often disorderly and sometimes violent.<sup>5</sup>

The coal operators required policemen, and for this service they turned to the county courts and the sheriffs. However, sheriffs could not dispatch deputies quickly to a troubled coal camp. Railroads offered the only efficient transportation, according to their own schedules, and some of the county seats were not even served by rail or were located on spur lines. As for permanently posting deputies in the camps, county funds were quite inadequate.

Under the circumstances, sheriffs and coal operators struck an alternative arrangement. The coal operators employed men to protect property and lives in the mining communities, and the sheriffs deputized them. These privately paid deputies or "guards" lived at the mines, rode the passenger trains and kept order as instructed by their employers. They were public law enforcement officers, recognized as such by the residents of the camps.<sup>6</sup>

At first the coal operators of southern West Virginia appointed their own employees as deputy sheriffs, but many subsequently turned to the Baldwin-Felts agency for manpower. Thomas L. Felts supervised the West Virginia operation from Bluefield, strategically located on the mainline of the Norfolk and Western Railway. The subsidiary field office at Thurmond, on the mainline of the Chesapeake and Ohio Railway, was directed by a brother, A. C. Felts. Before the advent of paved roads and the state police force (1919), Baldwin-Felts Detectives could dispatch extra deputized men throughout the surrounding coal fields more quickly than county officials.<sup>7</sup>

<sup>5</sup> Interview with Tams, June 9, 1966; Phil Conley, *Life in a West Virginia Coal Field* (Charleston, 1923), 47; Lee, *Bloodletting*, 7.

<sup>6</sup> Report of the U. S. Coal Commission, 5 vols. (Wash., D. C., 1923), GPO, 411; Lee, *Bloodletting*, 11.

<sup>7</sup> The establishment of the State Police on June 29, 1919, did not mark the end of the private guard system. For several years neither the condition of the roads nor the state budget permitted the substitution of state officers for private guards as protectors of coal properties. See the *Charleston Sunday Gazette-Mail*, June 23, 1903; Winthrop Lane, "Labor Loy in West Virginia," *Survey*, 47, 110-12.

Though the governor's authorization was required to deputize private railway policemen, there was no such requirement for the camp guards; the sheriff's signature and badge were sufficient.

West Virginia law was obviously permissive with respect to private employees serving simultaneously as law officers, but it was not unique. A 1914 U. S. Department of Labor survey described similar circumstances in California, Connecticut, Maryland, Massachusetts, North Carolina, North Dakota, Oklahoma, Pennsylvania and South Carolina.<sup>8</sup>

One of the first West Virginia coal operators to employ agents of Baldwin-Felts Detectives was Justus Collins, owner of several moderately sized mines in McDowell, Fayette, Mercer, and Raleigh counties. As early as 1893 he hired several agency guards in order to cope with a minor disturbance at one of his mines.<sup>9</sup>

Collins and his counterparts in the coal industry used the guards not only to prevent disorderly conduct and violations of law, but also to collect rents, guard the payroll and prevent "undesirables" from entering their camps. Undesirables included a wide range of the unsavory such as known criminals, professional gamblers, prostitutes, moonshiners, slackers, and active union sympathizers. Collins' guards patrolled and searched all premises on company property, including miners' homes, without notice. They charged unwanted persons with trespassing and physically expelled them when necessary. As law officers the guards could obtain warrants and dispatch suspects to the county jail for violations of criminal statutes.<sup>10</sup>

In 1902 Justus Collins daringly used Baldwin-Felts guards to break a UMWA sponsored miner's strike and to ignore a thirty day lockout agreement among operators in the New River Field. Though he first had joined the operators in their decision to shut down and force the strikers into submission, Collins later decided to act unilaterally. He produced coal throughout the summer, selling at a favorably high price.

<sup>8</sup> "How to Secure Fair Play in Local Administration During Times of Industrial Dispute," MSS prepared by R. L. Benedict for the Bureau of Labor Statistics, 1914, 3-6, General Records of the Department of Labor, National Archives.

<sup>9</sup> Collins to F. M. Jackson, August 25, 1908; Justus Collins Papers. Collins' business correspondence with Thomas Felts affords an excellent description of Baldwin-Felts services as rendered to coal operators.

<sup>10</sup> R. V. Hammon, and D. D. Teets, Jr., *Fayette County*, (Wheeling, 1919), 21-29.



Collins' first maverick move was taken on June 27 when he obtained a United States Circuit Court injunction against the union organizers and supporters who had established a formidable picket line at Glen Jean in front of the Collins Colliery mine. The injunction was enforced by a United States deputy marshal, Dan W. Cunningham, and an estimated forty Baldwin-Felts guards whom Cunningham directed. Collins ordered the installation of iron gates at the mine entrances, and a search light and a machine gun were positioned on the tippie. They protected from the taunts of pickets a skeletal work force of about 150, mostly new recruits from Europe and the South. Not only were strikers kept off the Collins property, but twenty-one persons, including John Richards, president of United Mine Workers District No. 17, were arrested by Cunningham and fined by Judge B. F. Keller for violating his injunction. Witnesses reported that the demonstrators had not come closer than thirty-four feet of the Collins property line.<sup>11</sup>

Though Collins hardly endeared himself to his fellow New River Field operators, he realized a handsome profit from a limited production of about 800 tons daily during the 1902 strike. His Baldwin-Felts guards and the backing of the Federal court effectively complemented his competitive impulses. By midAugust many other operators in southern West Virginia were following his example, and after the governor mobilized 300 state militiamen, the strike dissipated during the month of September.<sup>12</sup> After the strike of 1902, the practice among nonunion operators of hiring private police, mostly Baldwin-Felts men, became widespread.<sup>13</sup>

Not all Baldwin-Felts operatives were recognizable as deputized guards. Especially as union organizers filtered into southern West Virginia, the coal companies relied increasingly on secret agents or detectives. They joined the work force as ordinary miners, ferreting the private opinions and intentions of their colleagues, and reporting the names of undesirables to the agency. Suspects were discharged and sometimes placed on a "blacklist" which circulated among the coal companies.<sup>14</sup>

<sup>11</sup> W. P. Tams, *The Smokeless Coal Fields of West Virginia*, (Morgantown, W. Va., 1963), 47; interview with Tams, June 9, 1966; *Charleston Daily Gazette*, June 7, 8, 10, 11; July 4, 6, 9, 28; August 1, 2, 14, 1902; Charles Ambler and Festus P. Summers, *West Virginia: The Mountain State*, (Englewood Cliffs, N. J., 1958); Jones, Watts & Co. to Collins, *Justin Collins Papers*.

<sup>12</sup> *Charleston Daily Gazette*, August 21-23, 30; September 6, 14, 18, 21, 24, 30; October 2, 5, 12, 17, 31; November 25, 26, 30, 1902.

<sup>13</sup> Winthrop Lane, *Civil War in West Virginia: The Story of the Industrial Conflict in the Coal Mines*, (New York, 1921), 102-03.

<sup>14</sup> Lee, *Bloodletting*, 11; *New York Times*, June 17, 1913.

The Justus Collins papers occasionally refer to the special deployment of secret Baldwin-Felts detectives. As the following examples will show, their duties were not limited to uncovering union agitators.

In March 1907 the superintendent of Collins' Pocahontas Coal Company at Hallsville (now Davy) aroused the anger of many employees, when he lured onto company property an "undesirable" who was seized and severely beaten by the guards. The victim was an itinerant elderly "cowboy preacher," Sam Betts, whose popular and perhaps inflammatory sermons had criticized the mine management and had recommended higher wages for the miners.

Betts' treatment sparked a suspected conspiracy among some of Collins' employees who threatened damage to life, limb and company property. Many Hallsville residents were reportedly buying rifles and ammunition. The mine superintendent consequently secured the services of two detectives from T. L. Felts, who worked under cover for about two weeks. Their investigation failed to pinpoint any conspiracy, but they reported fully on all persons who had maligned the company. Some miners were fired, and the superintendent sought to replace them with foreigners whom he believed were more amenable to company persuasion.<sup>15</sup>

At the Winding Gulf Colliery in Raleigh County, Collins employed a large number of Negro migrants from the South. Sensing their discontent in 1923, the superintendent hired a Baldwin-Felts detective. The latter's report, signed "#1," reflected considerable initiative and sophistication on his part. "No. 1" found no particular troublemakers among the Winding Gulf miners but ascribed a general discontent to their forced idleness and accumulating debts. The Negroes blamed the company for failing to secure enough railroad mine cars to keep them working full-time. "No. 1" concluded:

It would be a great blessing if it could be arranged to run the mines 4 days [per week]. When the men are idle and going in the hole too, they will listen to any kind of propaganda. As long as they can work and get what they want, they are satisfied.<sup>16</sup>

On another occasion at Winding Gulf, a trusted Baldwin-Felts guard acted as a spy against the unwitting mine management. The

<sup>15</sup> G. C. Hoffman to Collins; "a miner" [sic] to Collins, March 11, 1907, Justus Collins Papers.

<sup>16</sup> Report from "No. 1" to Felts, April 24, 1923, Justus Collins Papers.

guard, E. C. Payne, became alarmed by what he viewed as the general incompetence and drunkenness of the superintendent and the chief foreman. Payne filed a sensational accounts with T. L. Felts of the superintendent's absenteeism, a three day sodden brawl at the foreman's house, and other irresponsible acts. Felts relayed the information to Justus Collins, who resided then in Cincinnati, Ohio, but retained a keen interest in the daily operations of his mines. The proprietor of Winding Gulf promptly fired the accused, ordering the new superintendent "to clear out and straighten up" the work force.<sup>17</sup>

At yet another time the Winding Gulf Colliery Company utilized a Baldwin-Felts detective in an unusual manner. The superintendent decided to evict from the camp a miner's widow who operated her home as a boardinghouse for single men. In the superintendent's opinion, she was a troublesome gossip monger and a "crooked" woman. He complained that she entertained at least two lovers, harbored much bootleg whiskey, and offered sanctuary to anti-company schemers in her boardinghouse. But how could he toss out an unfortunate widow? "If we were to make a coldblooded affair of it," he explained to Justus Collins, "I am afraid that it would raise some criticism from the fact that she has several children and her husband lost his life while bossing in mine number three." The company solution was to employ a "Baldwin-Felts "operative" to live in her boardinghouse and collect damaging evidence about her character. That information, when timely revealed, might have blunted public criticism of the company.<sup>18</sup>

Plainly, operators such as Justus Collins promoted the stability and perhaps elevated the moral tone of daily life in the coal camps through their reliance on Baldwin-Felts Detectives, Inc. Law and order promoted the climate for uninterrupted coal mining and boosted company profits.

However, the southern West Virginia coal operators' overriding purpose for Baldwin-Felts guards and detectives was to prevent the organization of their miners by the United Mine Workers of

<sup>17</sup> Felts to Collins, March 9, 11, 1912; Collins to Felts, March 11, 1912; E. C. Payne to Felts, April 11, 1912, Justus Collins Papers.

<sup>18</sup> W. W. Phaup to Collins, June 27, 1914; Collins to George Wolfe, June 29, July 5, 1914; Wolfe to Collins, July 5, 6; September 1, 1914; Felts to Collins, July 7, 1914, Justus Collins Papers. Prohibition was legally instituted in West Virginia on July 1, 1914. The correspondence does not reveal the widow's fate.

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America. The operators were usually candid about their use of spies and gunmen against the union. One of their representatives asserted:

We claim that we have the right to employ secret service men; or detectives, to protect our interests. We want to know what our men are doing; what they are talking about. We want to know whether the union is being agitated.<sup>19</sup>

A former Baldwin-Felts guard explained that his job was to "prevent the organization of the miners into unions, and to keep out the representatives of organized labor."<sup>20</sup> The United States Coal Commission concluded in a report of 1923 that the "duty" of the deputy sheriffs was to thwart the union organizer" by ejecting him from privately owned property. "Actually," the report continued, "without the consent of the operators, a union organizer can do little more than ride on a train and look out the windows."<sup>21</sup> Howard B. Lee described the maintenance of law and order by Baldwin-Felts agents as only "their ostensible purpose." In reality they were employed "to suppress union activities. . . [and] to keep the miners intimidated."<sup>22</sup> Thomas Felts likewise believed that his agency's anti-union work was more important than its ordinary police functions.<sup>23</sup>

The reasons for the anti-union animus of the coal operators comprise another story. It is sufficient to note that they wished to maintain control of their employees to insure steady production, that they suffered from a highly competitive and volatile market, and that they viewed the UMWA in part as a tool of northern coal barons to squeeze southern West Virginia coal out of distant markets. Many operators were convinced that a majority of their employees did not wish to join the union, and they identified their personal interest as the public's; their stand against the union would guarantee the nation a supply of high quality bituminous coal if the UMWA called strikes elsewhere.<sup>24</sup>

Although southern West Virginia operators found it difficult to cooperate with one another in their "overcompetitive" market,

<sup>19</sup> Lane, "Labor Spy," 111. The spokesman was George Bausewine, Jr., secretary of the Williamson Coal Operators Association.

<sup>20</sup> Quoted in W. B. Northrop, "Wage Slaves of West Virginia," *New York Call*, March 5, 1913.

<sup>21</sup> "Report of the U. S. Coal Commission on Civil Liberties," 411.

<sup>22</sup> Lee, *Bloodstaining*, 10-11.

<sup>23</sup> Felts to Collins, January 18, 1910, *Justin Collins Papers*.

<sup>24</sup> A. T. Struick, *The Coal Industry*, (Boston, 1924), 342-44; Collins to Lamar Epperly, July 26, 1913, *Justin Collins Papers*.



the threat of unionization caused many companies to join regional operators' associations in the early part of this century. Several of the associations contracted with Baldwin-Felts Detectives to insulate their fields from union agitation.

Justus Collins who might be viewed as the paradigm among anti-union coal operators, was a persistent advocate of vigorous joint action. "Unless we adopt measures and keep at it constantly to prevent the union from getting hold of us. . . they will succeed in doing so," he wrote in 1907. "I do not intend to have any union and I think the time to start preventing it is right now."<sup>25</sup>

Collins played a principal role in the formation of the Tug River Coal Operators' Association in 1908. He initiated the movement by writing seven other coal operators in the newly opened district, recommending that they "form an association . . . and employ Mr. T. L. Felts with his force to assist us in keeping out strike agitators."<sup>26</sup> At a subsequent organizational meeting the eight members of the fledgling association agreed to employ one secret operative and two guards supplied by Baldwin-Felts for a monthly fee of \$400. The Tug River Coal Operators' Association initially assessed each member at the approximate rate of 2/3 cent per ton, based on an estimated production of 58,000 tons monthly.<sup>27</sup> Justus Collins similarly helped promote a contract signed between the Pocahontas-Flat Top Coal Operators' Association and Baldwin-Felts Detectives.<sup>28</sup>

Howard B. Lee perhaps exaggerated when he characterized the agency's espionage system as "probably never equalled outside Russia,"<sup>29</sup> but Thomas Felts might have sought that objective. His detectives ranged far beyond the coal camps and feeder lines, infiltrating even the leadership of the United Mine Workers of America. One agency spy, C. E. Lively, testified about his exploits as a UMWA official before a Congressional investigating committee. He claimed he had organized several union locals in Mingo County during World War I. Lively once attended a union district meeting in Charleston where he was photographed as a prominent labor leader in a group which included "Mother" Mary Jones. Con-

<sup>25</sup> Collins to Felts, January 14, 1907.

<sup>26</sup> Collins to J. W. Bigelow and others, June 18, 1906, Justus Collins Papers.

<sup>27</sup> F. J. Riley to Collins, July 10, 1906, Justus Collins Papers.

<sup>28</sup> Collins to F. M. Jackson, August 25, 1908, Justus Collins Papers.

<sup>29</sup> Lee, *Bloodletting*, 19.

currently, Lively had submitted regular reports to the Baldwin-Felts agency, signing them as "No. 9."<sup>30</sup>

His spy system enabled Felts to blunt most covert union organizing efforts among working miners, especially by providing union membership lists to the coal operators. For example, he informed Justus Collins in 1913 that ten of his miners at the Winding Gulf Colliery were union members, and they were doubtlessly released.<sup>31</sup> Felts also informed Collins fully about proceedings at national conventions of the UMWA. In 1910 he passed along a judgment that the union was too frail financially to sustain a general strike, and he cited exact national and district treasury balances to support his contention.<sup>32</sup> Advance knowledge of UMWA strike strategy was helpful in planning contract coal sales. Were a long strike anticipated, nonunion coal operators could delay signing contracts until a national coal shortage forced prices upward. If no lengthy strike were anticipated by Baldwin-Felts clients, it was advantageous for them to conclude sales contracts at an early date.

Felts also helped his clients keep abreast of information published in coal industry trade journals and various miners' publications. He even provided Justus Collins with translations of certain articles in the *Hungarian Miners' Organ* which Collins hoped to use in order to influence his employees of Hungarian nationality.<sup>33</sup>

Strangely, not all association members were fully informed about the Baldwin-Felts undercover operations which their dues supported. As a result, the agency almost failed to win a contract with the Winding Gulf Coal Operators' Association, some members of which favored hiring the protection offered by a rival police agency in southern West Virginia.<sup>34</sup> This unusual plight forced Felts to reveal details on his spy system which were normally concealed. As he explained to Justus Collins:

Our work is of such nature that the public knows very little about it and in fact, the majority of the coal operators have but very little knowledge of the organization, as the work has always been

<sup>30</sup> *Ibid.*, 82-3; Lane, "Labor Spy," 111.

<sup>31</sup> "Districts Nos. 17 and 29 U.M.W. of A., Located in West Virginia, Showing Total Membership of Each Local," [ca. December 1909]; Felts to Collins, October 28, 1908, Justus Collins Papers.

<sup>32</sup> Felts to Collins, February 7, 1910, Justus Collins Papers.

<sup>33</sup> Felts to George Wolfe, September 2, 1913; Wolfe to Collins, September 6, 1913, Justus Collins Papers.

<sup>34</sup> Felts to W. G. Caperton (copy) and Felts to Collins, December 21, 1909; Felts to Collins, January 18, 1910; Collins to Felts, December 28, 1909; A. M. Herndon to Collins, January 13, 1910; Collins to Felts, January 14, 1910; A. M. Herndon to Collins, January 18, 1910; Felts to Collins, February 7, 1910, Justus Collins Papers; interview with Tams, June 8, 1966.

handled through its officers and Executive Committees, and the policy has been to give the operators as little light on the subject as possible, except to let them know that their interests were being protected.<sup>35</sup>

For some years the Baldwin-Felts agency enjoyed immense success in protecting those interests, creating an anti-union "cordon sanitaire" in the southern West Virginia coal fields. The company won a near monopoly as supplier of private police and detectives as far north as Kanawha County. There was slight competition from the Hatfield-Sentz Detective Agency, headquartered in Princeton, West Virginia; and the Burns Detective Agency of Richmond, Virginia, supplied some special agents on the Norfolk and Western Railway within West Virginia. Logan was the only southern coal county in which operators did not employ the Baldwin-Felts or any other detective agency. Rather, the Logan County Coal Operators' Association relied upon the sheriff and his numerous deputies, paid by association dues. Apparently, Baldwin-Felts did not attempt to penetrate northern West Virginia, where a firm headed by the Shuttleworth brothers supplied guards to anti-union operators.<sup>36</sup>

Within its domain Baldwin-Felts detectives inspired the fearful respect of union officials and well deserved praise from the operators. Fred Mooney, a former UMWA District 17 official, has recounted his fear of the agency's gunmen and spies in his autobiography.<sup>37</sup> A national UMWA executive, John P. White, once admitted that he no longer encouraged his organizers to enter southern West Virginia because of the danger facing them.<sup>38</sup> By 1912 the agency had nullified previous union gains in Kanawha County, and Thomas Felts boasted that he had eliminated "all semblance of unionism" in the Pocahontas region, where an estimated 2,000 miners had held UMWA membership in 1902.<sup>39</sup> Justus Collins glowingly lauded the Baldwin-Felts achievement. In a letter of recommendation to an Alabama coal operator, he credited "these gentlemen" with having completely eliminated the union from the Smokeless Coal Field.<sup>40</sup>

<sup>35</sup> Felts to Collins, January 18, 1910, Justus Collins Papers.

<sup>36</sup> J. W. Hess, ed., *Struggle in the Coal Fields: The Autobiography of Fred Mooney* (Morgantown, W. Va., 1967), 15, 59, 64; Virgil Carrington Jones, *The Hatfields and the McCoys* (Chapel Hill, N. C., 1948), 198.

<sup>37</sup> Hess, *Mooney*, 12-18.

<sup>38</sup> Quoted in Northrup, "Wage Slaves in West Virginia," *New York Call*, March 1, 1912.

<sup>39</sup> Hess, *Mooney*, 15; Wood, "Preliminary Report on Violence," 133; Felts to Collins, January 18, 1910, Justus Collins Papers.

<sup>40</sup> Collins to F. M. Jackson, August 25, 1908, Justus Collins Papers.

Despite the nature of his business, Thomas Felts would have appreciated the attribution of "gentleman." He considered himself a person of high character and his work of noble purpose. His younger brother and employee, Albert, resided in "one of the most picturesque homes" in Bluefield, where he was a Shriner and a member of the Elks lodge.<sup>41</sup> Baldwin-Felts, Inc. began as a close-knit enterprise, and as much as possible Felts depended upon hometown neighbors, relatives and friends from the Galax, Virginia area. However, as the business expanded the agency recruited more widely for guards and detectives, employing perhaps 200 in normal times, more on occasions of labor strife. W. P. Tams described these men as "rough and often colorful individuals." They were all excellent marksmen. Albert Felts won a police sharpshooter championship, two of the renowned Hatfield clan, Troy and Elias, were Baldwin-Felts agents, as was West Virginia's most highly decorated World War I hero, R. C. Buchannon.

The gunmen were also occasionally aggressive and vicious. Two of them engaged in a shoot-out at a baseball field in Glen Jean, West Virginia, following an argument over which of two teams on the diamond was superior.<sup>42</sup> T. L. Lewis, secretary of the New River Coal Operators' Association, attributed union violence in part to the ready application of force by some armed guards.<sup>43</sup> Howard B. Lee portrayed them as "fearless mountain gunmen" and alleged that many had criminal records.<sup>44</sup> An early critical historian of the West Virginia coal industry, Mary Mourat, labeled the Baldwin-Felts men as "nothing more than 'bums' with psychopathic personalities."<sup>45</sup> Their hazardous working conditions might have required such characteristics. Even such feared fighters as Elias and Troy Hatfield were shot dead at Boomer, West Virginia, by a miner whom they were attempting to evict.<sup>46</sup>

The wages paid Baldwin-Felts agents varied according to experience and position, but their earnings were invariably higher than those made by miners. Justus Collins paid \$150 monthly plus transportation for a single detective in 1912, at the same time he paid miners about \$35. A top wage earner was agent Lively who

<sup>41</sup> *Bluefield Daily Telegram*, May 21, 1920.

<sup>42</sup> *Tams, Incubation Coal Fields*, 27-8; *Bluefield Daily Telegram*, May 21, 1920.

<sup>43</sup> *Tams, Coal War in West Virginia*, 103.

<sup>44</sup> *Lee, Bloodstaining*, 11, 20-21.

<sup>45</sup> Mary Mourat, "A History of Coal Mining in West Virginia to 1933," Thesis, Univ. Penn., 1927, 48.

<sup>46</sup> *Tams, Incubation Coal Fields*, 78, 80.



masqueraded as a UMWA official; Felts paid him \$225 monthly.<sup>47</sup>

Beginning in 1912 the Baldwin-Felts cadre of mercenaries faced the most formidable challenge yet mounted by the United Mine Workers of America. The resulting Paint Creek-Cabin Creek Strike in Kanawha County marked the first breach in the agency's defense perimeter, because the so-called "Hatfield Contract" of 1913, negotiated by Governor Henry D. Hatfield, was generally interpreted as a union victory. The protracted civil struggle also focused national attention on the private police system employed by southern West Virginia coal operators, and the Baldwin-Felts agency was publicized as a source of much controversy.

The presence of Baldwin-Felts operatives was among the original grievances which led to the miners' strike. Their most colorful spokesman, "Mother" Jones, expressed this from the steps of the state capitol in Charleston:

I warn this little Governor (William E. Glasscock) that unless he rids Paint Creek and Cabin Creek of these goddamned Baldwin-Felts mine-guard thugs, there is going to be one hell of a lot of bloodletting in these hills.<sup>48</sup>

The actions of Baldwin-Felts men during the course of the strike only exacerbated the conflict. According to Thomas Felts, he employed about 145 armed guards and perhaps ten spies in the afflicted region.<sup>49</sup> It was they who carried out mass evictions of miners and their families from company housing. One Baldwin-Felts guard allegedly kicked dead the unborn fetus of a miner's wife.<sup>50</sup> Fred Mooney claimed that "it became a pastime" for the gunmen to fire from ambush on the tent colonies which miners had erected outside coal company property.<sup>51</sup> Baldwin-Felts agents are known to have participated in the infamous attack of February 13, 1913, upon the miners' camp at Holley Grove from an armored train known as the "Bull Moose Special."<sup>52</sup> A United States Senate Subcommittee on Education and Labor subsequently investigated

<sup>47</sup> Felts to Collins, February 1, 1907, November 11, 1913; Collins to Felts, February 9, 1907, November 15, 1910, Justus Collins Papers. See also secret operatives' reports, November and December 1912 in the Justus Collins Papers. Lee, *Bloodletting*, 62-3; Lane, "Labor Spy," 111.

<sup>48</sup> Lee, *Bloodletting*, 27. Lee had access to a court reporter's transcript of Mother Jones' speech.

<sup>49</sup> *New York Times*, June 17, 1913.

<sup>50</sup> Mary F. Parton, ed., *Autobiography of Mother Jones*, (Chicago, 1925), 148-152.

<sup>51</sup> *Mooney*, 18.

<sup>52</sup> J. M. Lowe, conductor in the armor-plated baggage car, affidavit describing the activities of the Baldwin-Felts "gang" who fired the machine gun at the tent encampment at Holley Grove, General Records of the Department of Labor, National Archives, copied at Kansas (Topeka), June 7, 1913; see also: M. Michelson, "Sweet Land of Liberty: Freedom and Civil War in the United States of America Now," *Everybody's Magazine*, 24, 1913, 617-24.

conditions in the Paint Creek-Cabin Creek field, and scores of witnesses testified that the conduct of armed guards was a principal cause of the trouble.<sup>53</sup>

The Paint Creek-Cabin Creek violence seriously threatened the Baldwin-Felts company, even while it produced an income of more than \$500 daily. Several agents were killed during the strike, including at least four in a single battle against miners at Mucklow in July 1912. Furthermore, public opinion was aroused against the private police system, and Governor Glasscock called for state legislation in 1913 to limit it.

The so-called "Guard" bill of that legislative session would have permitted the governor and circuit court judges to appoint special police officers for private corporations or individuals under strict conditions. The employers of such officers would have faced liability for any injury or damage caused by an unlawful act or careless use of a weapon by a private policeman. Each special officer or deputy sheriff assigned to a private employer would have been required to post a \$5000 bond for the faithful performance of his duty. The bill would also have limited the use of firearms by special officers.<sup>54</sup>

Thomas Felts chose to support the Guard bill lest one more restrictive be substituted to propitiate public opinion. In vain he sent a circular to coal operators urging their support of it through the political process.<sup>55</sup> Soon thereafter, his fears were substantiated when the Guard bill died in committee, and the legislature approved the "Wertz" bill. This act, which on the surface threatened to eliminate the privately supported deputy sheriff system, read in part:

...it shall not be lawful for any . . . deputy or deputies to act as, or perform any duties in the capacity of guards or watchmen for any private individual, firm or corporation, . . . or to represent, in any capacity, as officers of the law, any individual, person, firm or corporation.<sup>56</sup>

<sup>53</sup> *New York Times*, June 17, 1913; See *U.S. Senate Reports*, No. 43 and 321, 63rd Cong., 2d Sess., 1913-1914. Governor Glasscock also appointed a Citizens Commission to investigate the causes of the strike. Its report condemned the action of armed guards who "violate, recklessly and flagrantly violated, . . . rights guaranteed by natural justice and the constitution to every citizen." See: *Report of the West Virginia Mining Investigation Commission Appointed by Governor Glasscock on the 28th Day of August 1912*.

<sup>54</sup> See copy of bill with letter of Felts to Collins, March 24, 1913 (circular), Justus Collins Papers; W. B. Palmer, "An Account of the Strike of Bituminous Miners in the Kanawha Valley of West Virginia, April, 1912 to March, 1913," unpublished MS preserved in the Bureau of Labor Statistics in 1913, 25-6, General Records of the Department of Labor, National Archives.

<sup>55</sup> Felts to Collins, March 24, 1913 (circular), Justus Collins Papers.

<sup>56</sup> The measure took effect in May 1913. See *Acts of the Legislature, 1913*, Chpt. 29, 170-76, Palmer, "Account of a Strike."

Felts again petitioned his employers to urge repeal of the Wertz Act and revival of the Guard bill. He also circulated a palpably fictitious letter, which he attributed to a UMWA official, as evidence that the Wertz Act was the conspiratorial handiwork of the union. However, coal operators did not share his alarm. They were confident that they could maintain the customary law and order without reliance upon deputy sheriffs, and Jesse Sullivan, former secretary of the West Virginia Coal Association, was encouraged by the omission of a penalty clause for violators of the act.<sup>57</sup>

Although the memory of Paint Creek-Cabin Creek did not soon subside, and the UMWA had won a toehold in southern West Virginia, Baldwin-Felts, Inc. weathered the storm of 1912-13 and prospered during the remainder of the decade. World War I brought a bounteous prosperity resulting in relative calm for the coal industry, especially in southern West Virginia which supplied low volatile "smokeless" coal to Allied navies. Though many coal operators in northern West Virginia capitulated to the industrial code of the War Labor Policy Board and recognized the UMWA on a "closed shop" basis, southern West Virginia remained a nonunion manor. Operators there relied upon the carrot of high wages and the stick of the Baldwin-Felts agency to dissuade union agitators.<sup>58</sup>

The war boom collapsed soon after the armistice, and labor peace dissolved simultaneously. In 1919 Logan County, just outside Baldwin-Felts territory, became the special target of the UMWA. Union miners from Kanawha County threatened to march upon Logan in order to "liberate" their brother workers, but the Logan County sheriff's defenses proved effective, and the crisis was defused by appeals from union officials and Governor John Cornwell.

However, in 1920 the union mounted an organizing campaign in Mingo County which resulted in high tragedy for Baldwin-Felts. More than twenty union locals had been formed in the area, when the agency was employed to evict miners from houses of the Stone Mountain Coal Company. Having accomplished their business on

<sup>57</sup> Felts to Collins, March 20, 1913 (mimeograph); George Wolfe to Collins, February 2, 27, 1913, *Justin Collins Papers*. Herein is a report of William Ord, lobbyist for the *Pocaheon Coal Operators Association*.

<sup>58</sup> *Lab. Roundtable*, 139-40.

May 19, ten of the agency's most trusted operatives were caught in an ambush in Matewan while waiting to board the 5:15 train for Bluefield. In the famous "massacre" which ensued, seven were killed plus Mayor Cabell Testerman and two coal miners. The dead agents included Thomas Felts' two brothers, Albert and Lee, and a long-time boyhood friend, C. T. Higgins, who had served as police chief of Galax, Virginia.<sup>59</sup>

Miners in Matewan rejoiced that night over the slaughter,<sup>60</sup> union membership soared, evictions increased, and a general wave of violence engulfed the Tug Valley. The arrival of federal army troops in late summer, 1920, failed to quell the disorder, and in May 1921 Governor Ephraim Morgan declared martial law in effect.

These events, capped by the "March on Logan" and the "Battle of Blair Mountain" in September 1921, overwhelmed the capacity of the Baldwin-Felts agency and caused some cracks in the anti-union resolution of the coal operators. At least one major company in the Mingo field signed an agreement with the United Mine Workers. George Wolfe, a mine superintendent employed by Justus Collins, expressed the fear that Thomas Felts had "lost his grip" in Mingo County. Collins shared these doubts and even inquired about the services offered by the Bradford Detective Service of Washington, D. C.<sup>61</sup>

The industrial violence in West Virginia also stimulated renewed investigations of conditions in her coal fields. The guard system was especially subject to scrutiny as Albert DeSilver, director of the American Civil Liberties Union, appealed to Labor Secretary W. B. Wilson to help resolve this "serious crisis."<sup>62</sup> One result was formation of the United States Coal Commission, whose members were appointed by President Harding. Representatives of both the coal industry and the UMWA endorsed the commission's report which included in part a recommendation that

such destructive labor polices as the use of spies, the use of deputy sheriffs as paid company guards, house leases which prevent free access and exit, and individual contracts, be abolished.<sup>63</sup>

<sup>59</sup> *New York Times*, May 20, 21, 1920; *Bluefield Daily Telegram*, May 20, 21, 1920.

<sup>60</sup> *See, Bloodletting*, 55-56.

<sup>61</sup> George Wolfe to Collins, September 3, 18, 1920; Collins to Whaley-Eaton Service, August 16, 1920, Justus Collins Papers.

<sup>62</sup> Albert DeSilver to W. B. Wilson, May 21, 1920 (telegram), U. S. Conciliation Service Records, U. S. Department of Labor, Federal Records Center, Suitland, Maryland.

<sup>63</sup> Joseph H. Williams, "The Conclusions and recommendations of the U. S. Coal Commission as to Labor Relations in Bituminous Coal Mining," *Ann. Amer. Academy of Political Science*, vol. 111, 1924, 97-107.



The United States Senate also authorized its Committee on Education and Labor to make an investigation. The chairman of the subcommittee delegated to conduct it, William S. Kenyon, cited wrongs on both sides but pointedly denounced the private police system. "It is the duty of the State to protect the properties of the operators. . .," he wrote. "There is no right in public policy or public morals for the operators to pay the salaries of deputy sheriffs."<sup>64</sup>

Notwithstanding this spate of critical public reports in the 1920s, no new federal or state legislation was enacted which affected West Virginia coal society. Rather, the wave of violence subsided somewhat, and coal operators regained the initiative. Not only did the UMWA fail to organize permanently Logan and Mingo counties, it also lost most of the gains won in northern West Virginia during World War I. By 1930 the union's membership in the state had slumped from nearly 50,000 to fewer than 5,000, and its threat to southern coal operators had evaporated.

The Baldwin-Felts company also survived, gaining a measure of revenge for the "Matewan Massacre" with the murders of Sid Hatfield and his accomplice, Ed Chambers, on the courthouse steps at Welch on August 1, 1921.<sup>65</sup> However, the myth of the agency's invincibility had been exposed, and the coal operators relied increasingly on new tactics with which they frustrated the UMWA and lessened their dependence upon private police. The coal men had favored the creation of a state police agency in 1919, and gradually that organization developed as a regular force for the maintenance of order. They also looked hopefully to the state militia for aid in future crises. In fact Justus Collins contributed \$500 in a fund raising drive among operators to help build and equip the Raleigh County Armory.<sup>66</sup>

Even more useful to the coal industry was the court injunction, given a new lease by the United States Supreme Court decision upholding the "yellow dog" contract. Following the Court's disposition of the Hitchman case during the World War, coal operators in southern West Virginia uniformly required each of their em-

<sup>64</sup> William S. Kenyon, "West Virginia Coal Fields," Report No. 457, *Senate Reports*, 1. 47th Cong., 2d Sess.

<sup>65</sup> Hatfield and Chambers, thought to be among the leaders of the Matewan Massacre, were shot by a "reception committee" of Baldwin-Felts operatives including George Pence, Bill Suter and Everett Lively. They were indicted for the crime but acquitted in a jury trial on grounds of "self-defense." See *Law, Bloodletting*, 65-72.

<sup>66</sup> Justus Collins to . . . n.d., Justus Collins Papers.

ployees to sign an individual work contract which bound them not to join a union on pain of dismissal. Whenever the union broadcast its appeal, the courts routinely enjoined it from tampering with the work contracts. Justus Collins was overjoyed with an injunction he obtained against union organizers who, as he explained it, were virtually "outlaws" under the terms of the restraining order.<sup>67</sup>

As the operators were armed with legally respectable means of controlling their employees, the services of the Baldwin-Felts agency diminished in importance to them. The Justus Collins papers of the 1920s indicate that Thomas Felts, now silver-haired with advancing age, performed only minor and routine tasks, mainly forwarding information on legislation and other public matters pertinent to the coal industry.<sup>68</sup>

The guard system continued for a time in West Virginia, but the Great Depression reduced coal labor and management to the same desperate straits. The chronic overcompetitiveness of the producers now plagued them with epidemic intensity. Low prices, negative profits, bankruptcies and foreclosures caused the old employee-employer struggle to pale in significance. And so it transpired that most coal men in West Virginia embraced the National Industrial Recovery Act in 1933, even though it threatened with Section 7 (a) to provide the UMWA the legal remedy for improving its fortune. Appended to the resulting Code of Fair Competition for the Bituminous Coal Industry was the "Appalachian Agreement" signed by cooperating coal associations and the United Mine Workers of America. This document standardized working conditions throughout the bituminous industry and guaranteed union wages. In effect, the UMWA was made spokesman for the miners and the federal government the enforcer of their working conditions.<sup>69</sup>

The union quickly organized in West Virginia, claiming an active membership of more than 100,000 by 1934. Justus Collins was one of the last holdouts, although he was a party to the Appalachian Agreement through his affiliation with the Smokeless Coal Operators Association. Accordingly, Thomas Felts supplied

<sup>67</sup> Collins to Lamar Eganly, October 27, 1923, Justus Collins Papers.

<sup>68</sup> See Felts to Collins, February 1, 1923, Justus Collins Papers.

<sup>69</sup> *Code of Fair Competition for the Bituminous Coal Industry and the Appalachian Agreement*, Pamphlet distributed by National Coal Association, (Washington, D. C., Oct. 2, 1933), 15-16.

Collins with three special officers in August 1934 to bolster the old man's futile resistance of the tide.<sup>70</sup> Six weeks later Collins died, unreconciled to the new age.

Other southern West Virginia coal operators caved in more readily, and it became obvious that the chief *raison d'être* for the guard system had dissipated. Thereafter, the UMWA rather than the operators would attempt to control the miners. Unsupported by powerful private interests, the deputization of private guards was made punishable in 1935 by the West Virginia Legislature. The penalty for violating the law, originally enacted in 1913, was a \$500 fine or imprisonment for one year.<sup>71</sup>

The impact of these final events upon Baldwin-Felts Detectives was made moot by the retirement of its now aged founders, capped by the death of Thomas L. Felts in August 1935.<sup>72</sup> The agency as a personal creature had run its course through more than forty years of the lifetimes of Baldwin and Felts. Time had passed them and their company as well as most of those they had served.

<sup>70</sup> Lamar Epperly to Collins, February 3, August 22, 1934; Collins to Lamar Epperly, August 22, 1934, *John Collins Papers*.

<sup>71</sup> E. L. K. Harris and F. J. Korda, *From Humble Beginnings: West Virginia State Federation of Labor 1902-1937* (Charleston, 1960), 131; Conley, *Life*, 48.

<sup>72</sup> *Loc. cit.*, 140.